

HOUSE No. 2786

By Mr. Hynes of Marshfield, petition of Frank M. Hynes and others relative to asset transfer penalties imposed by the Division of Medical Assistance. Health Care Financing.

The Commonwealth of Massachusetts

PETITION OF:

Frank M. Hynes	Louis L. Kafka
Geraldine Creedon	Barbara A. L'Italien
Kay Khan	Edward G. Connolly
Ruth B. Balser	Robert K. Coughlin
Frank I. Smizik	A. Stephen Tobin
John W. Scibak	Thomas M. Stanley
Mary E. Grant	Alice Hanlon Peisch

In the Year Two Thousand and Five.

AN ACT TO PROHIBIT HARSH ASSET TRANSFER PENALTIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 118E of the General Laws is hereby amended by
2 striking Section 9E and Section 28 and substituting the following
3 new Section 28:
4 Section 28. In determining the eligibility of an institutionalized
5 individual, as defined by Title XIX, the division shall impose a
6 period of ineligibility, consistent with said Title XIX, against any
7 such individual if said individual or his spouse disposes of
8 resources for less than fair market value; provided, however, that
9 this provision may be waived if the division determines that appli-
10 cation of the provision would work an undue hardship on a partic-
11 ular individual. The division shall not seek by waiver of federal
12 statute or other means to impose penalties or define transfers of
13 assets under this section in ways which are broader than those
14 imposed pursuant to 42 U.S.C. 1396p©.